

REMARKS

The Office Action dated April 15, 2008 has been received and considered. In this response, new claims 73-79 have been added. Support for these amendments is found in the specification and drawings as originally filed. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Obviousness Rejections of Claims 31 and 32

At page 2 of the Office Action, claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheriton (U.S. Patent No. 6,831,917) in view of Chou (U.S. Patent No. 6,532,562) in view of Schober (U.S. Pat. App. No. 2001/0044835). At page 4 of the Office Action, claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheriton in view of Chou in view of Schober and further in view of Sachs (U.S. U.S. Patent App. Pub. No. 2002/0080802). These rejections are respectfully traversed.

Claim 31, from which claim 32 depends, recites the features of “determining at a display device a data transmission rate between the display device and a wireless access point” and “determining *at the display device* a select channel of a plurality of channels of a multicast channel based on the data transmission rate” As discussed at pages 1 and 2 of the Remarks in Support of the Pre-Appeal Brief Request for Review mailed January 18, 2007 and pages 4 and 5 of the Remarks in Support of the Pre-Appeal Brief Request for Review mailed January 28, 2008, Cheriton teaches that each subscriber 550 joins the same “single source multicast group (S, G)” and it is the NAT compatible switch 300 (which is separate from the subscribers 550) that remaps different multicast streams to different subscriber groups via virtual network address translation mapping such that “subscribers 550 to such a single-source, virtual host multicast would likely be unable to detect a source transition because *all of the traffic will appear to the subscribers [550] as originating from a single virtual host (S, G)*”. See, e.g., Cheriton, col. 3, lines 22-41, col. 3, line 65 – col. 4, line 53, and col. 5, lines 19-21 (emphasis added). Further, Cheriton teaches that the subscriber 550 subscribes to the same multicast address, and it is the NAT compatible switch 300 that determines which of the low-resolution channel or the high resolution channel is to be transmitted to the subscriber 550. Therefore, it is the NAT compatible switch 300, rather than the subscriber 550/display device, that determines the select channel of a

plurality of channels, and not the **display device** as recited by claim 31. Accordingly, Cheriton fails to disclose or suggest at least the features of “determining at the **display device** a first channel of a plurality of channels” as recited by claim 31. The Office acknowledges this deficiency of Cheriton and thus turns to Chou as teaching “determining at a display device a first data transmission rate . . . , wherein subscribing at the display device to a first channel of a plurality of channels of a multimedia channel is based on the first data transmission.” *Office Action*, p. 3. The Office reasons that it would be obvious to “add the data transmission rate determining by Chou to the method disclosed by Cheriton” in that the “motivation would have been to enable **the receiver** to only be able to subscribe to channels that matched the receiver’s available bandwidth, therefore allowing the system to preserve bandwidth.” *Id.* (emphasis added). The Applicants respectfully disagree.

As discussed above, Cheriton describes a technique whereby each subscriber 550 (i.e., the receiver) joins the same multicast group, and it is the NAT compatible switch 300, not the receivers, that remaps different multicast streams to different subscriber groups via virtual network address translation mapping such that “subscribers 550 to such a single-source, virtual host multicast would likely be unable to detect a source transition because *all of the traffic will appear to the subscribers [550] as originating from a single virtual host (S, G)*”. *See, e.g., Cheriton*, col. 3, lines 22-41, col. 3, line 65 – col. 4, line 53, and col. 5, lines 19-21 (emphasis added). In contrast, Chou allegedly teaches that it is the receivers that select a particular multicast group based on data transmission rate. Thus, contrary to the assertions of the Office Action, one cannot simply “add the data transmission rate determining by Chou to the method disclosed by Cheriton” as Cheriton and Chou teach conflicting techniques. Rather, it will be appreciated that the technique of Chou would have to replace the express technique described by Cheriton. However, Cheriton teaches that the benefit of the NAT-assigned mapping is that the subscriber is unlikely to detect a source transition, so one of ordinary skill in the art, considering Cheriton in its entirety, would not only not find it obvious to implement the technique of Chou in the system of Cheriton, but would further recognize that doing so would be contrary to the express intent of Cheriton. Thus, it would not be obvious to combine the teachings of Cheriton and Chou as proposed by the Office.

Schober and Sachs fails to compensate for the deficiencies of Cheriton and Chou. In fact, as discussed in the Remarks in Support of the Pre-Appeal Brief Request for Review mailed

January 18, 2007, it would not be obvious to combine Cheriton and Schober as proposed due to their conflicting techniques. Accordingly, the Office fails to establish a *prima facie* case of obviousness for claims 31 and 32 in view of Cheriton, Chou, Schober, and Sachs. Reconsideration and withdrawal of these rejections therefore is respectfully requested.

Obviousness Rejection of Claims 58 and 59

At page 4 of the Office Action, claims 58 and 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Deshpande (U.S. Patent No. 7,191,246) in view of Chou. This rejection is respectfully traversed.

Claim 58, from which claim 59 depends, recites the features:

determining, at a networked display device, a first data transmission rate of a transmission connection of the networked display device at a first time; determining, at the networked display device, a first multicast address from a plurality of multicast addresses based on the first data transmission rate, each of the plurality of multicast addresses associated with a corresponding version of a plurality of versions of a video stream; and receiving, at the networked display device, a first version of the plurality of versions of the video stream via the transmission connection using the first multicast address for a first duration.

The Office asserts that Desphande teaches features of claim 58, with the exception of the claimed feature of determining a first multicast address from a plurality of multicast addresses based on the first data transmission rate, for which the Office turns to Chou. As with the proposed combination of Cheriton and Chou discussed above, the Office reasons that it would be obvious to “add the data transmission rate determining by Chou to the method disclosed by [Deshpande]” in that the “motivation would have been to enable *the receiver* to only be able to subscribe to channels that matched the receiver’s available bandwidth, therefore allowing the system to preserve bandwidth.” *Office Action*, p. 5 (emphasis added). The Applicants respectfully disagree.

As discussed in the Remarks in Support of the Pre-Appeal Brief Request for Review mailed January 18, 2007, the disclosure of Deshpande fails to suggest to one of ordinary skill in the art that *receiver-subscribed* multicasting can be used in the clustering system of Deshpande. As described in a number of previous Responses, Deshpande discloses a technique whereby display receivers periodically report their local reception bandwidths, which are used by the server 86 to group the display receivers in clusters having similar local reception bandwidths, and the server 86 then provides to each cluster of display receivers a version of a video stream that is compatible with the local reception bandwidth of the cluster. Thus, the periodically readjusted clustering as taught by Deshpande is accomplished by changing the video stream transmitted to a display receiver *at the server 86* in response to a change in the cluster to which the display receiver is assigned, rather than having the display receivers play an active role in reassigning themselves to new video streams when clustering changes. Thus, it is the server 86 that assigns video streams to particular display receivers based on their bandwidth, rather than the display receivers selecting their own video streams based on their bandwidth. This approach is contrary to the technique of having the receiver subscribe to a particular multicast group based on data transmission rate as allegedly taught by Chou. Thus, as with Cheriton, the technique of Chou cannot be “added” to the system of Deshpande, but rather the technique of Chou would have to replace the server-based technique of Deshpande. Considering Desphande in its entirety, the Office’s rationale for combining Chou with Desphande so as to “enable *the receiver* to only be able to subscribe to channels that matched the receiver’s available bandwidth, therefore allowing the system to preserve bandwidth” is insufficient to render obvious the necessary replacement of the express server-centric technique of Desphande with the alleged receiver-centric technique of Chou. To wit, as Desphande teaches that the server 86 assigns the display receiver to a particular video stream based on bandwidth, the system of Desphande matches the channel to the receiver’s available bandwidth, thus “allowing the system [of Desphande] to preserve bandwidth” without any modification in view of Chou. Thus, the technique of Desphande alone achieves the motivation proposed by the Office.

In view of the foregoing, it is respectfully submitted that the Office fails to establish a *prima facie* case of obviousness for claims 58 and 59. Reconsideration and withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejections of Claims 60-63

At page 6 of the Office Action, claim 60 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Deshpande in view of Chou in view of Schober. At page 2 of the Office Action, claim 61 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Deshpande in view of Chou and further in view of Hinderks (U.S. Pat. App. Pub. No. 2002/0067730). At page 8 of the Office Action, claim 62 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Deshpande in view of Chou and further in view of Aho (U.S. Patent No. 6,198,941). At page 9 of the Office Action, claim 63 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Deshpande in view of Chou in view of Aho and further in view of Hinderks. These rejections are respectfully traversed.

Claims 60-63 depend from claim 58. As discussed above, it would not be obvious to combine Desphande and Chou as proposed by the Office. The teachings of Schober, Hinderks, and Aho fail to render such combination obvious. Accordingly, it would not be obvious to combine the teachings of Desphande, Chou, Schober, Hinderks, and Aho as proposed by the Office to arrive at the particular combination of features of claim 58, much less the combinations of features recited by claims 60-63 at least by virtue of their dependency. Accordingly, the Office fails to establish a *prima facie* case of obviousness for claims 60-63. Reconsideration and withdrawal of these rejections therefore is respectfully requested.

Addition of New Claims 73-79

New claims 73-79 have been added. Support for the addition of these new claims can be found in the specification and figures as originally filed.

New claim 73 depends from claim 58 and new claims 74 and 75 depend from claim 31. New claim 76, from which new claims 77-79 depend, recites subject matter to the subject matter recited by claim 31. Thus, new claims 73-79 are allowable over the cited references for at least the same reasons described above.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone

number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-1835.

Respectfully submitted,

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August 5, 2008

Date